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PATENT

Attorney Docket No.: 35708.0300

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a design patent is sought on the invention entitled:

HIGH PERFORMANCE COMPOSITE TUBULAR STRUCTURES

The specification of which

(check one) is attached hereto
 X was filed on June 14, 2001 as
Application Serial No.: 09/881,591 -
and was amended on N/A
(if applicable)

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MAY 03 2002

OFFICE OF PETITIONS

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<u> </u> Yes	<u> </u> No
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>60/211,904</u>	<u>June 16, 2000</u>
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I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as

defined in Title 37, Code of Federal Regulations §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)	(patented, pending, abandoned)
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I hereby appoint all attorneys associated with Snell & Wilmer Customer No. 20322 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all telephone calls to Scott Smith at telephone number (602) 382-6349.

Address all correspondence to Snell & Wilmer Customer No. 20322.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole
or First Inventor

Howard A. Lindsay

Inventor's Signature

Howard A. Lindsay

Date

Residence 8214 E. Sharon Drive, Scottsdale, Arizona 85260-3548

Citizenship United States Citizen

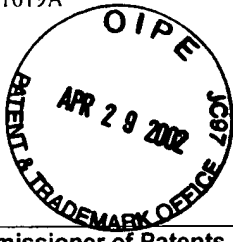
Post Office Address Same As Above

*Title 37, Code of Federal Regulations §1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was

practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.
- A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.
- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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RECORDATION FORM COVER SHEET
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TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

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☒ Resubmission (Non-Recordation)
Document ID# 101953885

☐ Correction of PTO Error
Reel # Frame #

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Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) Howard A. Lindsay Execution Date 9/14/01
Month Day Year

Name (line 2)

Second Party
Name (line 1) Execution Date
Month Day Year

Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) Vyatek Sports, Inc.

Name (line 2)

Address (line 1) 8350 E. Evans Road, Builind D, Suite 2

Address (line 2)

Address (line 3) Scottsdale AZ / U.S. 85260
City State/Country Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Domestic Representative Name and Address

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Application Number(s) or Patent Number(s)

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Patent Application Number(s)

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT PCT PCT
PCT PCT PCT

Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:
Deposit Account

Enclosed ☐

Deposit Account ☐

FEE PAID WITH MISSING PARTS TRANSMITTAL.

(Enter for payment by deposit account or if additional fees can be charged to the

Deposit Account Number:

#

Authorization to charge additional fees:

Yes



No



Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Damon L. Boyd, Reg. No. 44,552

Name of Person Signing

Signature

Date

4/19/2002

ASSIGNMENT

WHEREAS, the undersigned inventors (hereinafter singly and collectively, "ASSIGNOR") of the addresses indicated below, have invented HIGH PERFORMANCE COMPOSITE TUBULAR STRUCTURES for which application for ~~Design~~ Patent of the United States was filed on June 14, 2001 as Application Serial No. 09/881,591, ^{UTILITY ^{HZ}}

AND WHEREAS, Vyatek Sports, Inc. (hereinafter "ASSIGNEE"), an Arizona corporation having its principal place of business at 8350 E. Evans Road, Building D, Suite 2, Scottsdale, Arizona 85260, is desirous of acquiring an interest therein;

AND WHEREAS, a "formal application," as referred to herein, shall mean any provisional, non-provisional, (design or utility) continuation, continuation in part, divisional, reissue, reexamination, foreign, PCT or other patent application or like document,

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right to the design as described in the above-referenced application, in the United States and all foreign countries, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States adheres, and hereby authorizes and requests the Commissioner of Patents to issue said Design Patent to ASSIGNEE, for the sole use and benefit of ASSIGNEE, its successors, assigns and legal representatives,


AND HEREBY AGREES to transfer a like interest upon request of ASSIGNEE, its successors, assigns and legal representatives, and without further remuneration, in and to any improvements and applications for patents based thereon, growing out of or relating to the design;

AGREEING, FURTHERMORE, to provide all reasonable assistance and execute any papers, without further remuneration, deemed essential by ASSIGNEE, its successors, assigns and legal representatives, to ASSIGNEE's full protection and title in and to the rights hereby granted,

AGREEING, FURTHERMORE, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE.

EXECUTED as of the date(s) written below by ASSIGNOR:

First/sole inventor: Howard A. Lindsay

Signature:  Date: 9/14/01

Residence address: 8214 E. Sharon Drive, Scottsdale, Arizona 85260-3548

STATE OF
COUNTY OF

Arizona
Maricopa

On this 14 day of September, 2001, before me, Judy McCray,
a notary public in and for said county, personally appeared: Howard A. Lindsay.

- ☐ personally known to me or
☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal:

Judy McCray
Signature of Notary Public



Notary Public State of Arizona
Maricopa County
Judy McCray
Expires June 14 2006

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